Remarks

Claims 1-17 appear in this application for the Examiner's review and consideration. A marked up version of the amendment to the claims is attached.

Applicant appreciates the Examiner's indication of allowance of claims 1 and 2.

The Examiner rejected claims 10-14 under the first paragraph of 35 U.S.C. § 112 as introducing new matter. In particular, the Examiner asserted that claim 10 introduced new matter by stating that the second chime wall has a thickness which is substantially the same as the thickness of the side wall. In response, Applicant has amended claim 10 removing the above statement. Thus, no new matter is introduced and claims 10-14 are now in condition for allowance.

Claims 3-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fehres. Claims 3 and 4 of the present invention are directed to a barrel body with an upper barrel edge having a first portion extending radially away from the body, a second portion extending upwardly from the first portion, and an exterior rib that extends radially outwardly of or beyond the first and second portions of the upper barrel edge. Thus, the exterior rib is disposed further radially outwardly further than the first and second portions of the upper barrel edge.

Fehres, on the other hand, discloses a container with a rim structure that has an upper portion and a ridge 14, both of which extend radially by the same distance. The ridge 14 does not extend radially outward past the upper portion.

The rib of claims 3 and 4 that extends radially outwardly beyond the first and second portions provides the surprising advantage, compared to the teaching of Fehres, of increasing the moment of inertia for the barrel, without altering the interface between the lid and the upper barrel edge. Typical barrels with an attachable lid employ an upstanding portion of the barrel upper edge, such as the second portion claimed or the upper part of the rim structure of Fehres. By providing the claimed rim extending further outwardly than the second portion, the stiffness of the barrel is increased without affecting this attachment of the lid to the second portion.

The Fehres teaching does not foresee or provide any suggestion to increase the outward extension of the ridge past the upper part of the rim structure, and provides no suggestion of the advantage discussed. The only purpose taught for the ridge of Fehres is to provide a large area of contact between with the snap ring 13 (col. 2, lines 36-39), but no

suggestion is provided to use it to increase the stiffness or strength of the barrel and certainly not by making it extend further outwardly than the upper part of the rim structure.

Claim 5 of the present invention recites cover having a peripheral chime receiving member that includes a peripheral flange having an inner diameter larger than the second chime wall but less than the rib. Thus, the rib extends beyond the inner diameter of the peripheral flange of the cover.

Fehres, as stated above, discloses a container with a rim structure with an upper portion and a ridge, both of which extend radially by the same distance. In order to accommodate the upper portion of the rim structure, the outside flange 7 of the Fehres lid has an inner diameter that is larger than the upper portion of the rim structure. Since the ridge and the upper portion extend radially outwardly by the same distance, the inner diameter of the outside flange of the lid is also larger than the ridge. There is no portion of the outside flange that is both larger than the upper portion of the rim structure and at the same time smaller than the ridge. The barrel defined in claim 5 employs the rib as a stiffening member and provides advantageously an increased moment of inertia at the rib as it has a greater diameter than the outside lid edge of the lid. Therefore, claim 5 is not obvious in view of Fehres.

Claims 4 and 16 of the present application are directed to a blow molded barrel and a blow molded drum, respectively. The structure of Fehres, on the other hand, makes it clear that the Fehres container is of injection molded construction. Fehres teaches away from blow molding as it discloses a series of circumferential ribs located along the container body and a thickened ridge along the rim portion of the container. It would be extremely difficult to blow mold a container with as many ribs and thickened ridges as disclosed in Fehres. Therefore, claims 4 and 16 are additionally not taught or suggested by Fehres.

Claim 15 further defines the exterior rib as having substantially parallel upper and lower surfaces. The substantially parallel surfaces offer the surprising advantage in view of Fehres of providing a better gripping surface area for the lower claw of the parrot beak lifting mechanism. Also, the substantially parallel surfaces offer the surprising advantage of increasing the strength of the upper barrel portion through increased rigidity due to an increased moment of inertia due to the larger cross-sectional area of the tip of the rib. Fehres, to the contrary, discloses a ridge where the upper and lower surfaces of the ridge are not at all

parallel and actually converge to a sharp end at a large angle. Thus, claim 15 is neither obvious nor anticipated by Fehres.

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the allowance of this application.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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Marked-up claims:

4. (Amended) In a blow-molded lidded barrel (10) having a barrel body (20) with an upper open end defined by an upper barrel edge (28) having a first portion (27) extending radially away from said body (20) and having a downwardly facing surface (18), and a second portion (29) extending upwardly from said first portion (27) at a location radially outwardly of said first portion (27), to define an uppermost surface, a barrel lid (12) covering the open end of the barrel in a closed position of the lid, said lid having a central section and an outer peripheral lid edge (16) which in cross-section defines a downwardly facing U-shaped part overlying said upper barrel edge (28), a U-shaped tension-ring closure member (14), which in said closed position of the lid engages with an upper leg of said-tension ring closure member over an upwardly facing surface of said outer lid edge (16) and engages with a lower leg of said tension-ring closure member under said downwardly facing surface (18) that extends below said uppermost surface of the upper barrel edge (28), the improvement comprising:

a) an exterior rib (40), said rib (40) defining part of said barrel edge and having both an upper surface and a lower surface projecting radially outwardly [of] beyond said first and second portions with said lower surface of said rib disposed along said downwardly facing surface (18) and defining a continuing part of said downwardly facing surface (18), said rib (40) terminating in a free end surface connecting said upper and lower surfaces.

5. (Amended) An open top plastic drum, comprising:

a) a [blow-molded] drum body having:

i) a closed bottom;

ii) a substantially axially symmetrical sidewall extending upwardly from said bottom; and

iii) a chime portion for receiving a removable cover, said chime portion extending from said sidewall so as to define an open top and including:

(1) a substantially radial first chime wall projecting outwardly from said sidewall and having a bottom surface,

(2) a substantially cylindrical second chime wall directed upwardly from an outer portion of said first chime wall and having a lower portion contiguous with adjacent said first chime wall, and

(3) an exterior circumferential rib extending from the first chime wall below the second chime wall [having a bottom surface that is substantially coplanar with said first wall];

b) a cover having a peripheral chime receiving member that includes a circumferential flange having an inner diameter larger than said second chime wall but less than said circumferential rib; and

c) a retaining ring having first and second legs fixedly connected by an intermediate band, wherein said first leg engages an outer surface of said peripheral chime receiving member directly above said second chime wall, and wherein said second leg engages the bottom portions of said rib and said first chime wall directly below said second chime wall.

10. (Amended) An open top plastic drum, comprising:

a) a blow-molded drum body having:

i) a closed bottom;

ii) a substantially axially symmetrical sidewall extending upwardly from said bottom, and

iii) a chime portion for receiving a removable cover, said chime portion extending from said sidewall so as to define an open top and including:

(1) a substantially radial first chime wall projecting outwardly from said sidewall and having a bottom surface,

(2) a substantially cylindrical second chime wall directed upwardly from an outer portion of said first chime wall and having a lower portion contiguous with adjacent said first chime wall, [said second chime wall having a thickness substantially the same as the thickness of said side wall,] and

(3) an exterior circumferential rib having a bottom surface that is substantially coplanar with said first wall and substantially

perpendicular to the longitudinal axis of the container and circumscribing said lower portion of said second chime wall, whereby the rib increases the moment of inertia of the chime portion and thus provides greater rigidity to said chime portion;

b) a cover having a peripheral chime receiving member that includes a circumferential flange having an inner diameter larger than said second chime wall but less than said circumferential rib, so as to extend only over an upper portion of said second chime wall but not over said rib;

c) a retaining ring having first and second legs fixedly connected by an intermediate band, wherein said first leg engages an outer surface of said peripheral chime receiving member directly above said second chime wall and wherein said second leg engages the bottom portions of said rib and said first chime wall directly below said second chime wall such that the length of engagement of the lower leg of the ring with the chime portion is increased and the ring has increased resistance to deformation and sliding from the chime if the drum is dropped.

15. (New) An open drum as defined in claim 5, wherein the rib has a top surface substantially parallel to said bottom surface.

16. (New) An open drum as defined in claim 5, wherein the open drum is blow-molded.

17. (New) An open drum as defined in claim 5, wherein the exterior circumferential rib has a bottom surface that is substantially coplanar with said first wall.